

EXHIBIT B

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 Civil Action No. 19-7239-VM-SN
4 -----)

5 THE PHILLIES, a Pennsylvania
6 limited partnership,

7 Plaintiff,

8 vs.

9 HARRISON/ERICKSON, INCORPORATED,
10 a New York corporation, HARRISON
11 ERICKSON, a partnership, and
12 WAYDE HARRISON and BONNIE
13 ERICKSON,

14 Defendants.
15 -----)

16 CONFIDENTIAL

17 VIDEOTAPED DEPOSITION OF SCOTT BRANDRETH

18 New York, New York

19 February 28, 2020
20
21

22 Reported by:

23 Debra Stevens, RPR-CRR

24 Job No. 177733
25

<p style="text-align: right;">Page 2</p> <p>1 2 February 28, 2020 3 9:34 a.m. 4 5 Confidential Videotaped 6 Deposition of SCOTT BRANDRETH, the 7 witness herein, held at the offices 8 of Mitchell Silberberg & Knupp, 437 9 Madison Avenue, New York, New York, 10 before Debra Stevens, a Notary 11 Public of the State of New York. 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 3</p> <p>1 A P P E A R A N C E S: 2 On behalf of the Plaintiff: 3 DUANE MORRIS 4 30 South 17th Street 5 Philadelphia, Pennsylvania 19103 6 BY: DAVID WOLFSOHN, ESQ. 7 8 9 On behalf of the Defendants: 10 MITCHELL SILBERBERG & KNUPP 11 437 Madison Avenue 12 New York, New York 10022 13 BY: PAUL MONTCLARE, ESQ. 14 LEO LICHTMAN, ESQ. 15 MATTHEW WILLIAMS, ESQ. 16 17 18 19 20 21 22 Also Present: 23 JONATHAN POPHAM, Videographer 24 25</p>
<p style="text-align: right;">Page 4</p> <p>1 E X A M I N A T I O N S 2 WITNESS PAGE 3 SCOTT BRANDRETH 4 By Mr. Montclare 8 5 6 7 E X H I B I T S 8 DEFENDANTS' 9 EXHIBIT DESCRIPTION PAGE 10 Exhibit 71 Major League Baseball 59 11 Agency Agreement and 12 Operating Guidelines, Bates PHAN 0015462 13 through PHAN 0015601 14 Exhibit 72 BABW Phanatic packet 90 15 dated 2004, Bates 16 PHAN 0011653 through 17 PHAN 0011732 18 Exhibit 73 Phillie Phanatic 93 19 sales spreadsheets, 20 Bates PHAN 0018155 21 through PHAN 0018164 22 Exhibit 74 Phillie Phanatic 98 23 meeting, Wednesday, 24 July 23rd, Bates PHAN 25 0001372 through PHAN 0001377 Exhibit 75 Pictures of new 110 Phanatic design, Bates PHAN 42990 through PHAN 43003 (Continued)</p>	<p style="text-align: right;">Page 5</p> <p>1 E X H I B I T S 2 3 DEFENDANTS' 4 EXHIBIT DESCRIPTION PAGE 5 Exhibit 76 Memorandum dated 130 6 5/2/07, Bates PHAN 7 10905 8 Exhibit 77 Email exchange, Bates 137 9 PHAN 9672 10 11 Exhibit 78 Email exchange, 146 12 beginning Bates HE 13 005332 through HE 14 005334 15 Exhibit 79 Notice of termination 148 16 letter dated 6/1/18, 17 Bates PHAN 21347 and 18 PHAN 21348 19 20 INFORMATION/PRODUCTION REQUESTS 21 DESCRIPTION PAGE 22 Drawings given to Mr. Sapp 46 23 Communications that were 52 24 forwarded or communicated with 25 Dave Raymond Data, letters or correspondence 104 relating to P2 design Plans to make merchandising based 152 on P2 Contract for original designs 155 (Continued)</p>

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2 derivative works that are in this exhibit?

3 A. Not every one of them, for sure.

4 Q. As a general matter, because I

5 don't want to go through 300 of these.

6 That would be a waste of time.

7 What kind of records would be in

8 these folders with regard to each of these

9 numbered works?

10 MR. WOLFSOHN: Okay.

11 Mischaracterizes his testimony and

12 vague. You can try to answer.

13 A. An image of the design.

14 Q. And how do you organize them?

15 Do you name them? How are they actually

16 organized in your computer? By date? By

17 name? Some other way?

18 A. Maybe by date, by project.

19 Q. Okay. So let's take a look at

20 one of them. Look at item 100 on page 34

21 of the exhibit. What is depicted in the

22 left-hand column with respect to the

23 design? What is that?

24 A. That is the P2 design.

25 Q. We started to talk about this.

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2 leading up, including this one.

3 Q. And those would just be designs,

4 two-dimensional designs?

5 A. Yes.

6 Q. Is there anything else in that

7 folder, any other data or letters or

8 correspondence or anything like that?

9 A. Yes.

10 MR. MONTCLARE: I asked that

11 they be produced.

12 Q. Just give me some basic idea.

13 Can you give me an estimate of how many?

14 A hundred, two hundred different

15 documents? Three hundred? How many?

16 A. Relating to?

17 Q. This particular Phanatic design.

18 MR. WOLFSOHN: Objection; vague.

19 You can answer.

20 A. 100 maybe.

21 Q. I interrupted myself before. We

22 were talking about the construction of the

23 costume itself by Mr. Carfagno. Do you

24 remember that?

25 A. Yes.

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2 Where are the records relating to the

3 development of the P2 design located in

4 the books and records of The Phillies, if

5 you know?

6 A. On my computer, or -- mine are

7 on my computer. I don't know where others

8 are.

9 Q. And have you turned all of those

10 documents over to your counsel?

11 A. Yes.

12 Q. If you take a look at the third

13 column, the only document that was

14 produced in connection with this is PHAN

15 0009712. Do you see that?

16 A. Yes.

17 Q. Was there more than one document

18 in that folder?

19 A. There are variations of that

20 leading up to this.

21 Q. I am talking about in the entire

22 folder that relates to 100. Is there only

23 one document in that computer folder?

24 A. I just answered that. There are

25 several -- there are several documents

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2 Q. Do you have files relating to

3 his work?

4 A. Yes.

5 Q. And where are those located?

6 A. In my computer.

7 Q. Would it be in the same folder

8 or in a different folder?

9 A. Under the same master folder.

10 Q. It has subfolders?

11 A. Different subfolder.

12 Q. The beauty of computer files.

13 If you can briefly describe the

14 type of documents that would be in the

15 subfolder?

16 A. Photos, Word documents,

17 PowerPoint, PDF's, JPEG's.

18 Q. Were you aware of the process

19 that Mr. Carfagno used to create the

20 actual costume?

21 MR. WOLFSOHN: Objection; vague.

22 You can answer.

23 A. No. Just by viewing pictures I

24 saw stuff, but I don't know how -- I don't

25 know how it's made.